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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/084,236	02/26/2002	Frederick L. Jordan	HO-P02956USO.	2036
26271 75	i90 09/27/2005		EXAMINER	
FULBRIGHT 1301 MCKINN	& JAWORSKI, LLP		TOOMER, CEPHIA D	
SUITE 5100			ART UNIT	PAPER NUMBER
HOUSTON, TX 77010-3095			1714	
			DATE MAILED: 09/27/200	5

Please find below and/or attached an Office communication concerning this application or proceeding.

1)∑ Responsive to communication(s) filed on 12 July 2005. 2a) This action is FINAL. 2b)∑ This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4)∑ Claim(s) <u>71-79.81-96.99-101 and 107-111</u> is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) <u>92,100 and 110</u> is/are rejected. 7)∑ Claim(s) <u>92,101 and 111</u> is/are objected to. 6) Claim(s) <u>92,101 and 111</u> is/are objected to. 8) Claim(s) <u>92,101 and 111</u> is/are objected to. 6) Claim(s) <u>92,101 and 111</u> is/are objected to. 8) Claim(s) <u>92,101 and 111</u> is/are objected to. 6) Claim(s) <u>92,101 and 111</u> is/are objected to. 9) The specification is objected to by the Examiner. 6) Claim(s) is/are: a) coccepted or b) objected to by the Examiner. 10) The carwing(s) filed on					ล์			
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U.S. Patent and Trademark Office
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Application/Control Number: 10/084,236 Art Unit: 1714

DETAILED ACTION

This Office action is in response to the amendment filed July 12, 2005 in which

claims 78, 79, 85, 86, 95 and 96 were amended and claims 107-111 were added.

The 102 rejections of the claims as anticipated by Finnan or Fujiwara are

withdrawn in view of the amendment to the claims.

The 112 rejection of the claims is withdrawn in view of the amendment to the

claims.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 98, 100 and 110 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kirk (US 5,023,095).

Kirk teaches a color-stabilized food coloring composition comprising about 0.5 wt

% to about 5.0 wt% beta-carotene, about 0.5 wt % to about 5.0 wt % of at least one

edible oil and about 0.05 wt % to about 1.5 wt% of dl-alpha-tocopherol (see abstract;

col. 2, lines 14-24). The edible oils include peanut, cottonseed and palm (see col. 3,

lines 22-30). The thermal stabilizers include BHA and BHT (see col. 3, lines 31-37).

Kirk teaches that the preferred antioxidant (stabilizers) is dl-alpha-tocopherol and that it

is derived from plant sources such as whole grains by extraction (see col. 3, lines 38-

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46). Kirk teaches that the vegetable oil also functions as a diluent (see col. 6, lines 35-37).

Kirk differs from the claims in that she does not specifically teach that the plant oil extract is derived from barley. However, it would have been obvious to one of ordinary skill in the art to select barley extract as the plant oil extract because Kirk teaches that dl-alpha-tocopherol is extracted from whole grains. In the absence of evidence to the contrary, this teaching suggests barley.

3. Claims 99, 101 and 111 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The prior art fails to teach or suggest the addition of meadowfoam oil or a solvent.

4. Claims 71-79, 81-96 and 107-109 are allowable because the prior art fails to teach or suggest the claimed jet fuel composition and meadowfoam oil as a component.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cephia D. Toomer whose telephone number is 571-272-1126. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan can be reached on 571-272-1119. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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